

Application No. 10/665,337
Reply to Office Action dated August 6, 2007

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REMARKS

Claims 1-87 are pending and rejected. Applicants respectfully request reconsideration of the rejection in view of the following remarks.

Double Patenting

Claims 1-87 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-80 and 85-89 of prior U.S. Patent No. 6,905,505. Applicants respectfully traverse this double patenting rejection.

Statutory double patenting requires the claiming of identical subject matter. Applicants respectfully submit that the instant application does not claim subject matter that is identical to that claimed in 6,905,505. For example, each of the independent claims of 6,905,505 recites "at least one material to be carried by said infusate liquid." None of the independent claims of the instant application recite this limitation. Some of the independent claims of the instant application recite that "an infusate liquid comprises a therapy", but this is not an identical limitation to the above-mentioned limitation in the claims of 6,905,505.


Again, statutory double patenting requires the claiming of *identical* subject matter. Since the corresponding claims have been shown to be not identical to one another, this rejection should be withdrawn, Applicants respectfully submit.

Applicants appreciate the indication of the Examiner that he has reviewed Applicants' Information Disclosure Statements of March 2004 and January 2005.

All bases for rejection having been traversed, the application should now be in condition for allowance. Accordingly, Applicants respectfully request issuance of a Notice of Allowance directed to claims 1-87.

Should the Examiner deem that any further action on the part of Applicants would be desirable, the Examiner is invited to telephone Applicants' undersigned representative.

Respectfully submitted,


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